IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

Crl.MC.No. 854 of 2007()

SC.242/1992 of ADDL. ASSISTANT SESSIONS COURT, ATTINGAL

.....

PETITIONER: ACCUSED

SUGATHAN, S/O. SAHADEVAN,
MOHANAVILASAM VEEDU, CHERIYANNOOR DESOM,
VARKALA VILLAGE.

BY ADV. SRI.M.P.VIJAYAN

RESPONDENTS: COMPLAINANT

---

1. PRASANNAKUMAR K., S/O. KRISHNAN,
SASIVILASAM HOUSE, KOLLAM, PARAVOOR P.O.,
NEDUMANGAD, TRIVANDRUM DISTRICT.

2. STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 23/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.854 of 2007

Dated this the 23rd day of March 2007

O R D E R

The petitioner faces indictment for offences under Sections 452 and 324 I.P.C. He has now been sentenced to undergo imprisonment till rising of court and to pay an amount of Rs.50,000/- as compensation to PW2. He was directed to appear before the learned Magistrate to undergo substantive sentence on 25/09/2006.

2. According to the petitioner, he has already paid an amount of Rs.50,000/- to PW2 but he apprehends that the learned Magistrate may oblige him to undergo the default sentence.

3. I find no merit whatsoever in this apprehension. The apprehension, if any, must be laid to rest by the decision in Girish v. Muthoot Capital Service (P) Ltd. [2007(1) KLT 16].

4. It is for the petitioner now to appear before the learned Magistrate along with the complainant and satisfy the learned Magistrate that the amount of compensation has been paid, as directed, though belatedly. If such amount has been

paid, there can be no question of execution of any default sentence. The petitioner, if such amount has been paid, has only to undergo the substantive sentence of imprisonment till rising of court now. No further directions need be issued in the light of the decision in Girish v. Muthoot Capital Service (P) Ltd. [2007(1) KLT 16] . No further clarification is necessary.

5. In the result, this Criminal Miscellaneous Case is dismissed.

(R.BASANT, JUDGE)

jsr

// True Copy//

PA to Judge.

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006